

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID O. RUCKER, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:09CV670 CDP
)	
US FIDELIS, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on my review of the sixth joint status memorandum. The parties request a continued stay of this litigation pending “the filing and evaluation of the plan trial,” but they provide no expected deadlines for the completion of the plan approval process. They also do not inform me whether the plan was filed on July 29, 2011, whether the filing deadline was extended, and if so, the new filing deadline. Finally, the parties inform me of an adversary proceeding that is expected “to delay the plan process,” but they give me no information about how long the plan approval process may be delayed because of the proceeding. I would like the parties to file a supplemental joint status memorandum addressing these issues.

The memorandum shall also advise me on the parties’ positions regarding an

administrative closure of this case.¹ If the parties object to an administrative

¹An Order administratively closing a case because of bankruptcy proceedings typically contains the following language:

In light of the suggestion of bankruptcy filed by _____ and the stay of this action which would otherwise result, the Court concludes that the case should be administratively closed until such time as the bankruptcy proceedings have been concluded or Court action is otherwise required. Any motion seeking reopening of the case shall state:

- (a) the facts and procedural history, including any significant occurrences in the bankruptcy proceedings;
- (b) the issues remaining for determination by this Court;
- (c) the potential for settlement, and the status of any settlement discussions;
- (d) whether a Rule 16 scheduling conference is requested;
- (e) the status of discovery;
- (f) whether significant pretrial motion practice, including the filing of potentially dispositive motions, is anticipated;
- (g) the date by which it is reasonably likely that the case would be ready to proceed to trial; and
- (h) the estimated length of trial.

Accordingly,


IT IS HEREBY ORDERED that the Clerk of the Court shall administratively **CLOSE** this action, subject to reopening on a motion filed in compliance with this order.

IT IS FURTHER ORDERED that any pending motions are denied without prejudice to being refiled in the event the case is reopened.

closure of this case, I would like them to explain the basis for the objections. Any objections to the language of the typical order provided in footnote one shall also include reasons for the objections and proposed alternative language, if applicable.

Accordingly,

IT IS HEREBY ORDERED that the parties **shall file a supplemental joint status memorandum advising the Court of the matters set out above by no later than October 18, 2011.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 4th day of October, 2011.